AUTO CR - LOG SUMMARY #1071219

TYPE: INFO

Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	NO AFFIDAVIT	HITT. MARK	25-SEP-2014

Reporting Party Information



Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
14-MAY-2013 07:01 - 14-MAY-2013 07:01		1424	014	092 - ALLEY	

Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	HORAN-DAWSON, MARIANNE	5777		014/	POLICE OFFICER	ON Duty	In civil suit the plaintiffs via their attorney alleges that the accused officer, grabbed, detained, handcuffed and arrested the plaintiff for the plaintiff was handcuffed too tightly and advised the accused on numerous occasions that the handcuffs were too tight and requested that they be loosened. These requests were ignored by the accused resulting in injuries to the hands of the plaintiff. Plaintiff, alleges that she was searched by the accused during this incident and when she inquired to the accused why her husband, was being arrested the accused told to shut up, threatened her with arrest, and threatened to call child services.

Other Involved Parties

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD	Victim/Subject						М	WHI		
NON-CPD	Victim/Subject						F	WHI		
CPD Employee	Witness	MORALES, ELLIO A	6131		014/	POLICE OFFICER	М	s		

Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
Reporting Party Third Party		MORALES, ELLIO A	NO RELATIONSHIP
Reporting Party Third Party		HORAN-DAWSON, MARIANNE	NO RELATIONSHIP
Reporting Party Third Party			LAWYER
Reporting Party Third Party			LAWYER

Incident Details

CR Required?		Manner Incident Received?	EMAIL
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N

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Initial Assignment: IPRA
Notify IAD Immediately? N

N

EEO Complaint No.:

Civil Suit No.: Notify Chief Administator?

Notify Coordinator?

Notification Other?
Notification Comments:

Violence in Workplace? N

Domestic Violence? N

Civil Suit Settled Date:

Notify Chief?

Notification Does Not Apply? Y

Incident Category List

Incident Category	Primary?	Initial?
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY		N
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY	Υ	Υ

Investigator History

Investigator	Туре	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
CLARK, TAMMY	Primary	GENERAL FIELD 5	29-AUG-2014	27-NOV-2014	23-SEP-2014	25
HITT, MARK	Supervisor	GENERAL FIELD 5	27-AUG-2014	25-NOV-2014	23-SEP-2014	

Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explination	Extension Report Date	Approved By	Approved Date	Approval Comments
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Current Allegations

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Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
HORAN-DAWSON, MARIANNE	1	It is alleged that on 24 May 2013, at approximately 1901 hours, at	05M OPS SUBCODE 05M	PUSH/PULL/GRAB	NO AFFIDAVIT
HORAN-DAWSON, MARIANNE	2	Pushed into a CPD squad car; and,	05M OPS SUBCODE 05M	PUSH/PULL/GRAB	NO AFFIDAVIT
HORAN-DAWSON, MARIANNE	3	Handcuffed too tightly.	05M OPS SUBCODE 05M	HANDCUFF TOO TIGHT	NO AFFIDAVIT
HORAN-DAWSON, MARIANNE	4	It is further alleged that on 24 May 2013, at approximately 1901 hours, at officer Horan threatened to are stand,	001 GROUP 01 - VERBAL ABUSE	MISCELLANEOUS	NO AFFIDAVIT
HORAN-DAWSON, MARIANNE	5	Searched without cause.	003 GROUP 03 - IMPROPER SEARCH	IMPROPER SEARCH OF PERSON	NO AFFIDAVIT

Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
HORAN-DAWSON, MARIANNE	1	DURING ARREST					
HORAN-DAWSON, MARIANNE	2	DURING ARREST					
HORAN-DAWSON, MARIANNE	3	DURING					

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD Comments
CLOSED/NO CONVERSION	25-SEP-2014 09:04	HITT, MARK	SUPERVISING INV COPA	113 /
CLOSED AT C.O.P.A.	25-SEP-2014 08:56	HITT, MARK	SUPERVISING INV COPA	113 /
PENDING INVESTIGATIVE REVIEW	23-SEP-2014 12:43	CLARK, TAMMY	INVESTIGATOR 2 COPA	113 /
PENDING INVESTIGATION	29-AUG-2014 03:15	HITT, MARK	SUPERVISING INV COPA	113 /
PENDING ASSIGN INVESTIGATOR	27-AUG-2014 11:09	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 /
PENDING ASSIGN TEAM	27-AUG-2014 07:42	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /

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Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PENDING SUPERVISOR REVIEW	27-AUG-2014 07:39	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	27-AUG-2014 07:39	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	

Attachments

No.	Туре	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	INVESTIGATION					HITT, MARK	29-AUG-2014 03:16			
1	FACE SHEET					ROBERTS, GEORGE	27-AUG-2014 07:39			
2	CONFLICT CERTIFICATION					HITT, MARK	29-AUG-2014 03:15			
3	CONFLICT CERTIFICATION					CLARK, TAMMY	02-SEP-2014 09:55			
4	DOCUMENTS - INVESTIGATION		17		Υ	CLARK, TAMMY	02-SEP-2014 10:46	APPROVED		
5	DOCUMENTS - INVESTIGATION		6		Υ	CLARK, TAMMY	02-SEP-2014 10:47	APPROVED		
6	DOCUMENTS - INVESTIGATION		3		Υ	CLARK, TAMMY	02-SEP-2014 10:47	APPROVED		
7	DOCUMENTS - INVESTIGATION		3		Υ	CLARK, TAMMY	02-SEP-2014 10:48	APPROVED		
8	DOCUMENTS - INVESTIGATION		1		Υ	CLARK, TAMMY	23-SEP-2014 12:15	APPROVED		
9	DOCUMENTS - INVESTIGATIVE REVIEW		2		N	HITT, MARK	25-SEP-2014 09:04	APPROVED		

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
INVESTIGATIVE SUPERVISOR REVIEW		SUBMITTED	HITT, MARK	SUPERVISING INV COPA	113	25-SEP-2014 09:04	Several attempts were made to have the Reporting Party sign the Sworn Complaint Affidavit as required by the Illinois Uniform Peace Officers Disciplinary Act, and advising him that failure to do so may result in the termination of this investigation. The Reporting Party has failed to sign the Sworn Affidavit or cooperate with this investigation. Should the Reporting Party sign the Sworn Affidavit or additional information becomes available, this investigation can be reopened. At this time this investigation will be closed with a finding of "No Affidavit".

Review Accused

Review	Accused/Involved	Result	Reviewed	Position	Unit	Review	Domarko
Туре	Member Name	Type	Ву	Position	Unit	Date	Remarks

Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
HORAN-DAWSON, MARIANNE	4. It is further alleged that on 24 May 2013, at approximately	HITT, MARK	25-SEP-2014 09:04			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	3. Handcuffed too tightly	HITT, MARK	25-SEP-2014 09:04			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	2. Pushed into a CPD squad car; and,	HITT, MARK	25-SEP-2014 09:04			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	1. It is alleged that on 24 May 2013, at approximately 1901 hou	HITT, MARK	25-SEP-2014 09:04			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	5. Searched without cause	HITT, MARK	25-SEP-2014 09:04			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	4. It is further alleged that on 24 May 2013, at approximately	CLARK, TAMMY	23-SEP-2014 12:43			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	3. Handcuffed too tightly	CLARK, TAMMY	23-SEP-2014 12:43			NO AFFIDAVIT	

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Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
HORAN-DAWSON, MARIANNE	2. Pushed into a CPD squad car; and,	CLARK, TAMMY	23-SEP-2014 12:43			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	1. It is alleged that on 24 May 2013, at approximately 1901 hou	CLARK, TAMMY	23-SEP-2014 12:43			NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	5. Searched without cause	CLARK, TAMMY	23-SEP-2014 12:43			NO AFFIDAVIT	

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur? Penalty	Penalty Comments	
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Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
HORAN-DAWSON, MARIANNE	It is alleged that on 24 May 2013, at approximately 1901 hours, at Officer Marian Horan, #5777, grabbed	05M OPS SUBCODE 05M		NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	Pushed into a CPD squad car; and,	05M OPS SUBCODE 05M		NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	Handcuffed too tightly.	05M OPS SUBCODE 05M		NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	It is further alleged that on 24 May 2013, at approximately 1901 hours, at Officer Horan threatened to arerst	001 GROUP 01 - VERBAL ABUSE		NO AFFIDAVIT	
HORAN-DAWSON, MARIANNE	Searched without cause.	003 GROUP 03 - IMPROPER SEARCH		NO AFFIDAVIT	

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FACE SHEET (Notification Date: 27-AUG-2014) - LOG #1071219

TYPE: INFO

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD	Reporting Party Third Party						М			

Incident Information



Accused Members

Accused	wembers							
	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	HORAN-DAWSON, MARIANNE	5777		014/	POLICE OFFICER	ON Duty	In civil suit the plaintiffs via their attorney alleges that the accused officer, grabbed, detained, handcuffed and arrested the plaintiff further alleged that the plaintiff was handcuffed too tightly and advised the accused on numerous occasions that the handcuffs were too tight and requested that they be loosened. These requests were ignored by the accused resulting in injuries to the hands of the plaintiff. Plaintiff, alleges that she was searched by the accused during this incident and when she inquired to the accused why her husband, was being arrested the accused told to shut up, threatened her with arrest, and threatened to call child services.

Incident Details

ilicident Details			
CR Required?		Manner Incident Received?	EMAIL
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IPRA	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Notify Chief?	
Notify Chief Administator?	N	Notification Does Not Apply?	Υ
Notify Coordinator?			
Notification Other?	N		

Initial Incident Category List

Initial Incident Category	Primary?
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY	
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY	Υ

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IPRA	GENERAL FIELD 5	CLARK, TAMMY (PRIMARY INV)	29-AUG-2014 15:15	HITT, MARK	
IPRA	GENERAL FIELD 5	HITT, MARK (SUPERVISOR)	27-AUG-2014 11:09	STOUTENBOROUGH, ANDREA	

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IPRA	GENERAL FIELD 5	·	27-AUG-2014 11:09	STOUTENBOROUGH, ANDREA	
IPRA	CIVILIAN OFFICE OF POLICE ACCOUNTABILITY	-	27-AUG-2014 07:39	ROBERTS, GEORGE	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/NO CONVERSION	25-SEP-2014 09:04	HITT, MARK	SUPERVISING INV COPA	113 /	
CLOSED AT C.O.P.A.	25-SEP-2014 08:56	HITT, MARK	SUPERVISING INV COPA	113 /	
PENDING INVESTIGATIVE REVIEW	23-SEP-2014 12:43	CLARK, TAMMY	INVESTIGATOR 2 COPA	113 /	
PENDING INVESTIGATION	29-AUG-2014 03:15	HITT, MARK	SUPERVISING INV COPA	113 /	
PENDING ASSIGN INVESTIGATOR	27-AUG-2014 11:09	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 /	
PENDING ASSIGN TEAM	27-AUG-2014 07:42	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	27-AUG-2014 07:39	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	27-AUG-2014 07:39	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	

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Caca	a
Case	۰

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

Plaintiffs, v. CHICAGO POLICE DEPARTMENT CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO. Defendants.))))))) Case No.) JURY DEMAND))))
COMI	PLAINT AT LAW
NOW COME the Plaintiffs,	and ,
by and through their attorney,	of
and in complaining against the Defendants	, CHICAGO POLICE DEPARTMENT, CHICAGO
POLICE DEPARTMENT OFFICER MAI	RIAN HORAN, and THE CITY OF CHICAGO, state
as follows:	
<u>ຫ</u>	RISDICTION
1. The jurisdiction of this Cou	rt is invoked pursuant to the Civil Rights Act, 42
U.S.C. §1983, the Judicial Code, 28 U.S.C	C. §1331 and 1343(a); the Constitution of the United
States and the supplemental jurisdiction of	this court as codified in 28 U.S.C. §1367(a).
	<u>PARTIES</u>
2. Plaintiff	is a resident of the State of Illinois and the
United States.	•
	LOG# 1071219
	Attachment

- 3. Plaintiff is a resident of the State of Illinois and the United States.
- 4. Defendant Officer Marian Horan, Star #5777 ("Officer Horan"), was at all times relevant to this Complaint a duly appointed and sworn police officer of the City of Chicago Police Department engaged in the conduct complained of herein in the course and scope of her employment and while on duty.
 - 5. Officer Horan is sued in her individual capacity.
- 6. The City of Chicago Police Department, ("CPD") is a law enforcement agency and is the employer and principal of Officer Horan. At all times material to this Complaint, Officer Horan was acting under color of state law, ordinance and/or pursuant to regulations, statutes, customs and usages of the City of Chicago Police Department.
- 7. The City of Chicago, Illinois, (the "City") is a duly incorporated municipal corporation and is the employer and principal of Officer Horan. At all times material to this Complaint, Officer Horan was acting under color of state law, ordinance and/or pursuant to regulations, statutes, customs and usages of the City of Chicago, Illinois.

FACTS COMMON TO ALL COUNTS

- 8. On or about May 24, 2013, was in the process of opening the garage door to park his car at his residence at with his wife, and their two year old child inside the vehicle, when a CPD transport vehicle sped up and stopped in the middle of the alley, and an officer later known to Plaintiff to be Officer Horan emerged and ran toward.
- 9. Officer Horan forcefully grabbed arm, yelled at him that he was being placed under arrest, and handcuffed him behind his back.

- 10. When asked Officer Horan why he was being arrested, Officer Horan told to shut up.
- 11. Although did not resist arrest, Officer Horan violently threw against the side of the CPD transport vehicle and roughly pushed inside the CPD vehicle, injuring hands.
- 12. For approximately 30 minutes was left alone inside the CPD transport vehicle, and his calls to officers to request that his handcuffs be loosened and his injured hands be attended to were ignored.
- harassed by Officer Horan for parking their vehicle in the alley, although the car was only temporarily parked to allow to open the garage door. When to shut up, threatened her with arrest, and threatened to call child services.
- 14. Without cause or provocation, Officer Horan ordered that which face her vehicle and then conducted a physical search of
- 15. produced the vehicle registration card and insurance for the vehicle at Officer Horan's request.
- 16. Upon Officer Horan's return to the CPD vehicle, complained that his handcuffs were placed too tightly and that his hands were hurting, to which Officer Horan responded that she would look at his hands and the handcuffs when they arrived at the police station.

- During the approximately 15-minute ride from the Hoyne Property to the police station, continued to complain to Officer Horan that the handcuffs were too tight, and that his hands and wrists were hurting and going numb.
- 18. Upon arrival to the police station, Office Horan did not check hands or loosen his handcuffs.
- 19. Officer Horan's partner, Officer Eric Morales, who was present at the Property and rode with and Officer Horan to the police station, ultimately loosened handcuffs after repeated complaints.
- 20. On or about May 24, 2014, was charged in case number with a misdemeanor offense of Cruelty to Animals.
- 21. On August 6, 2013, the misdemeanor charged was dismissed or "Nolle Prosequi" by the State's Attorney in the Cook County, Municipal District in Chicago, Illinois.
- 22. During the course of the arrest, did not conduct himself in any manner which would cause Officer Horan, or any other police officer, to believe that he was going to cause them injury.
- 23. During the course of the arrest, did not conduct himself in any manner which would have justified Officer Horan, or any other police officer, to use excessive force during their arrest of him.
- 24. The use of force initiated and utilized by Officer Horan was excessive, unreasonable, unnecessary, willful, and recklessly disregarded the rights of
- 25. sustained severe injuries to his hands and wrists as a result of Officer Horan's excessive use of force.

- sought medical attention for his hands and wrists after he was released from custody.
- 27. As a direct and proximate result of one or more of the aforesaid acts and omissions of the Officer Horan, was caused to suffer serious and permanent injury, pain, and mental anguish.
- 28. did not resist arrest and posed no danger to Officer Horan, any other police officer, or the general public, and the crime was alleged to have committed was a minor, non-violent offense, which was dismissed or *Nolle Prosequi*.
 - 29. Officer Horan's acts and omissions constitute willful and wanton conduct.

COUNT I

(Section 1983 Excessive Use of Force Against Officer Marian Horan)

- 1-29. The Plaintiffs reallege, restate, and incorporate paragraphs 1 through 29 of this Complaint as and for Paragraphs 1 through 29 of this Count I as if fully set forth herein.
- 30. This Count is brought pursuant to 42 U.S.C. §1983 and the Constitution of the United States.
- 31. The actions of Officer Horan amount to an excessive use of force onto

 This conduct violated the Plaintiff's Fourth Amendment right to be free from unreasonable search and seizure.
- 32. The aforementioned actions of Officer Horan were the direct and proximate cause of the constitutional violations set forth herein.
- 33. The City of Chicago and Chicago Police Department failed to properly train and supervise Officer Horan on which use of such force is necessary and/or appropriate, which evinces a custom, policy, or practice by the City of Chicago and Chicago Police Department.

34. The aforementioned actions of Officer Horan directly and proximately caused the Plaintiff to sustain serious injuries, pain, anguish, and has rendered the Plaintiff unable to work or engage in his other activities.

WHEREFORE, Plaintiffs, and and by and through their attorneys, demand compensatory damages, punitive damages, costs and attorney fees against Officer Marian Horan, and any further relief this Honorable Court deems fair and just.

COUNT II

(State Claim - Assault and Battery)

- 1-34. Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 34 of Count I as and for Paragraphs 1 through 34 of this Count II as if fully set forth herein.
- 35. The acts of Officer Horan as described above were affirmative acts intended to cause an intermitted contact of a harmful and/or offensive nature to which the Plaintiff did not consent, thus constituting an assault and battery under the laws and constitution of the State of Illinois.
- 36. The aforementioned assault and battery directly and proximately caused Plaintiff to sustain serious injury, pain, anguish, and has rendered the Plaintiff unable to work or engage in other activities.

by and through their attorneys, demands compensatory damages, punitive damages, costs and attorney fees against Officer Horan, and any further relief this Honorable Court deems fair and just.

COUNT III

(735 ILCS 10/9-102 Claim Against the City of Chicago and Chicago Police Department)

- 1-36. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 36 of Count III as and for Paragraphs 1 through 36 of this Count III as if fully set forth herein.
- 37. Officer Horan was at all times relevant to this Complaint an employee of the City of Chicago and the Chicago Police Department in the County of Cook, State of Illinois, and engaged in the conduct complained of herein in the course and scope of her employment and while on duty.
- 38. The City of Chicago and the Chicago Police Department in the County of Cook, State of Illinois, are the employers of Officer Horan named in this Complaint.

WHEREFORE, should Officer Horan be found liable for the acts alleged above, the Plaintiffs demands that pursuant to 745 ILCS 10/9-102 and all other applicable law, the City of Chicago and Chicago Police Department pay the Plaintiffs any judgment obtained against Officer Horan as a result of this Complaint and that this Honorable Court award any further relief deemed fair and just.

COUNT IV

(State Claim- Respondeat Superior Against the City of Chicago and Chicago Police Department)

- 1-38. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 38 of Count III as and for Paragraphs 1 through 38 of this Count IV as if fully set forth herein.
- 39. Officer Horan was at all times relevant to this Complaint an employee of the City of Chicago and Chicago Police Department, and engaged in the conduct complained of in the course and scope of her employment and while on duty.

- 40. The City of Chicago and Chicago Police Department are duly incorporated municipal corporations and are the employers and principals of Officer Horan.
- 41. The aforesaid acts of Officer Horan were in the scope of her employment as an Officers with the City of Chicago and Chicago Police Department, were willful and wanton, and therefore the Defendants, the City of Chicago and Chicago Police Department, as principals of Officer Horan, are liable for the actions of its agents under the doctrine of *respondeat superior*.

WHEREFORE, should Officer Horan be found liable for the acts alleged above, the Plaintiff demands that the City of Chicago and Chicago Police Department pay the Plaintiff any judgment obtained against Officer Horan as a result of this Complaint, and this Honorable Court grant any further relief deemed fair and just.

COUNT V

(State Claim-Negligent Hiring/Retention)

- 1-41. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 41 of Count IV as and for Paragraphs 1 through 41 of this Count V as if fully set forth herein.
- 42. Defendants CPD and the City, by and through their agents, servants, or employees, acting within the scope and course of their employment, were under a duty to investigate and hire properly trained, qualified, and appropriate individuals.
- 43. Defendants CPD and the City, breached its duty in one or more of the following ways:
 - Failed to seek character references for the prospective employees they
 intended to hire as police officers;
 - c. Failed to inquire about the temperament of prospective employees the intended to hire as police officers;

- d. Hired police officers with inadequate knowledge, training, or experience; and
- e. Hired police officers with reckless disregard for the safety of the public.
- 44. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT VI

(State Claim-Negligent Supervision/Training)

- 1-44. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 44 of Count V as and for Paragraphs 1 through 44 of this Count VI as if fully set forth herein.
- 45. Defendants CPD and the City, by and through their agents, servants, or employees, acting within the scope and course of their employment, were under a duty to properly train and supervise their employees.

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46. Defendants CPD and the City, by and through their agents, servants, or employees, acting within the scope and course of their employment, knew their employees would have to be responsible for the rights and safety of the general public, including Plaintiffs.

- 47. Defendants CPD and the City, by and through their agents, servants, or employees, acting within the scope and course of their employment, breached its duty to Plaintiffs by one or more of the following acts or omissions:
 - a. Failed to train its employees how to properly make an arrest;
 - b. Failed to train its employees how to protect the civil rights of citizens they sought to detain or arrest;
 - c. Failed to train employees with respect to correct police procedure; and
 - d. Were otherwise willful, wanton, and careless in their supervision of its employees.
- 48. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND

Case:

NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT VII

(False Arrest/Unlawful Detention)

- 1-48. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 44 of Count VI as and for Paragraphs 1 through 44 of this Count VII as if fully set forth herein.
 - 49. As described above, Defendant Officer, falsely arrested and unlawfully detained without justification and without probable cause.
- 50. Defendants' misconduct was objectively unreasonable and was undertaken intentionally with willful indifference to constitutional rights.
- 51. The misconduct was undertaken with malice, willfulness, and reckless indifference to the rights of others.
- 52. On information and belief, Defendants' misconduct was undertaken pursuant to the policy and practice of the Chicago Police Department in that:
 - a) As a matter of both policy and practice, the Chicago Police Department directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, and control its officers, such that its failure to do so manifests deliberate indifference;
 - b) As a matter of both policy and practice, the City of Chicago facilitates the very type of misconduct at issue here by failing to adequately investigate, punish and discipline prior instances of similar misconduct, thereby leading Chicago Police Officers to believe their actions will never be scrutinized and, in that way, directly encouraging future abuses such as those affecting Plaintiff;
 - c) Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department abuse citizens in a manner similar to that alleged by Plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionate small number of cases;

- e) The City of Chicago Failed to act to remedy the patterns of abuse, despite actual knowledge of the same, thereby causing the types of injuries alleged here.
- 53. The misconduct described in this Count was undertaken by Defendant Officer within the scope of their employment such that their employer, City of Chicago, is liable for the actions.
- 54. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT VIII

(State Claim-False Imprisonment)

- 1-54. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 54 of Count VII as and for Paragraphs 1 through 54 of this Count VIII as if fully set forth herein.
- was arrested and imprisoned, and thereby had his liberty to move about unlawfully restrained, despite Defendant Officer's knowledge that there was no probable cause for doing so.
- 56. Defendant Officer's actions set forth above were undertaken intentionally, with malice and reckless indifference to constitutional rights and to the rights of others.
- 57. Defendants' misconduct was undertaken by Defendant Officer within the scope of their employment such that their employer, City of Chicago, is liable for their actions.
- 58. On information and belief, Defendants' misconduct was undertaken pursuant to the policy and practice of the Chicago Police Department in the manner described more fully above.
- 59. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT,

Case:

CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT IX

(State Claim-Malicious Prosecution)

- 1-59. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 59 of Count VIII as and for Paragraphs 1 through 59 of this Count IX as if fully set forth herein.
- 60. was improperly subjected to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury, and all such proceedings were terminated in favor in a manner indicative of innocence.
- 61. Officer Horan accused of criminal activity knowing those accusations to be without probable cause. On information and belief, Officer Horan made written and other statements with the intent of exerting influence to institute and continue judicial proceedings.
- 62. Defendants' misconduct was undertaken with malice, willfulness, and reckless indifference to the rights of and others.
- 63. Defendants' misconduct was undertaken by Defendant Officer within the scope of their employment such that the employer, City of Chicago, is liable for the actions.
- 64. On information and belief, Defendants' misconduct was undertaken pursuant to the policy and practice of the Chicago Police Department in the manner described more fully above.

65. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT X

(Willful and Wanton)

- 1-65. The Plaintiffs reallege, restate, and incorporate Paragraphs 1 through 65 of Count IX as and for Paragraphs 1 through 65 of this Count X as if fully set forth herein.
- 66. Defendant Officer Horan and Defendants City of Chicago, and Chicago Police

 Department, by and through their agents, servants, or employees, acting within the scope of their employment and agency, owed duty to refrain from willful and wanton and/or intentional misconduct during its interactions with him.
- 67. Notwithstanding said duty, Defendants, and in reckless disregard of the safety of violently contorted arm so as to cause physical injury.

- 68. Defendants' misconduct was undertaken with malice, willfulness, and reckless indifference to the rights of and others.
- 69. As a direct and proximate result of the aforesaid, Plaintiffs suffered injuries of a personal and pecuniary nature, including, but not limited to, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent. Because of the injuries sustained, he is and will be hindered and presented from attending to his usual duties and affairs, and has spent and will spend and become liable for large sums of money, for hospital and medical services during his recovery.

WHEREFORE, Plaintiffs, and by and through their attorney, of pray this Honorable Court to enter a judgment in their favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiffs as this Court deems just and equitable.

COUNT XI

(Andzelika Jastrzebska - Loss of Consortium)

- 1-69. Plaintiffs repeat and reallege Paragraphs 1 through 69 of Count X as and for Paragraphs 1 through 69 of this Count XI as if fully set forth herein.
- 70. That at all times herein material, Plaintiff, was the lawfully wedded wife of Plaintiff,

72. That as a direct and proximate result of the aforementioned wrongful acts and/or omissions of Defendants, Plaintiff, has been and will in the future be deprived of the society, companionship, love, affection and support of her husband, Plaintiff all to her pecuniary loss.

WHEREFORE, Plaintiff, , prays this Honorable Court to enter a judgment in her favor and against Defendants, CHICAGO POLICE DEPARTMENT, CHICAGO POLICE DEPARTMENT OFFICER MARIAN HORAN, and THE CITY OF CHICAGO, and each of them, an amount in excess of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS and for such other relief for Plaintiff as this Court deems just and equitable.

Respectfully submitted,



One of Plaintiffs' Attorneys



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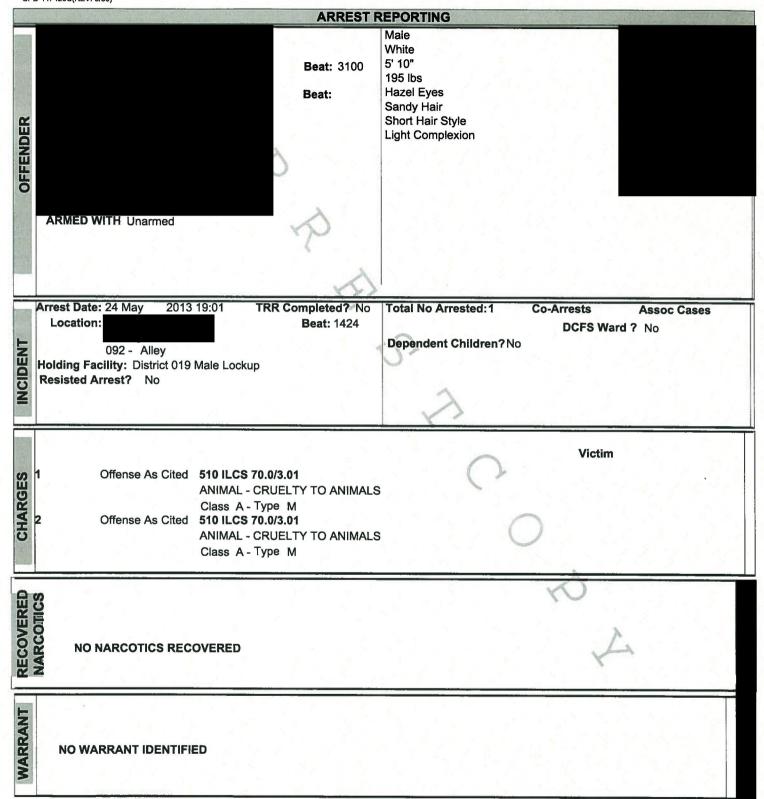
FINAL APPROVAL

CB #: IR #: YD #: RD #: EVENT #:

CHICAGO POLICE DEPARTMENT
ARREST REPORT

Print Generated By: ROBERTS, George (

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police Department Personnel Only) CPD-11. 420C(REV. 6/30)



Page 1 of 5

powered by: CLE(AR) Technology

Attachment _____

26 AUG 2014 08:58

Chicago Police Department - ARREST Report		
ARREST	REPORTING	
WITNESS		
Beat:1424	Female White DOB: Age: Comments:	Injured? No Deceased? No Hospitalized? No Treated and Released? No
WITNESS	•	
Beat:1921	Female White DOB: Age:	Injured? No Deceased? No Hospitalized? No
WITNESS	Comments:	Treated and Released?No
	Male	Injured? No Deceased? No
Beat: 1434	White	200000000000000000000000000000000000000
	DOB:	Hospitalized?No
	Age:	Treated and Released?No
ARRESTEE VEHICLE INFORMATION ENTERED		y
Confiscated Properties: All confiscated properties are recorded in the e-Track System. This sydocuments related to evidence and/or recovered properties. PROPERTIES INFORMATION FOR NO	stem can be queried by the inven	

Print Generated By: ROBERTS, George (



Chicago Police Department - ARREST Report

ARREST REPORTING

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

Event#

Above arrested after he was determined to be the homeowner and owner of two animals (dogs) that were left in the residence yard during elevated tempertures without food, water or medical assistance on 07 May 2013. One animal near death was later euthanized at animal control. Both animals were taken to animal control. Name check clear. Searched by P.O. Morales. Sgt. Mark George at Animal crimes unit notifed.

Addresses

NCIDENT

Desired Court Date: 25 June 2013

Branch: 23-5 5555 W GRAND - Room

Court Sgt Handle? No

Initial Court Date: 25 June 2013 Branch: 23-5 5555 W GRAND - Room

Docket #:

Bond Date: 25 May 2013 1:23

Type: Receipt #: Recognizance

Amount:

\$1,500.00

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my

knowledge, information and/or belief.

Attesting Officer: #5777 HORAN, M (

24 MAY 2013 22:06

ARRESTING OFFICER(S):

1st Arresting Officer: #5777 HORAN, M 1471
2nd Arresting Officer: #6131 MORALES, 1471

APPROVING SUPERVISOR:

Approval of Probable Cause: #500 MC DERMOTT, S A (24 MAY 2013 22:09

1

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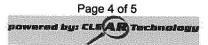
Page 3 of 5 powered by: CLEAR Technology 26 AUG 2014 08:58

C	Chicago Police Department - ARREST Report			
	ARI	REST PRO	CESSING REPORT	
92	Holding Facility: District 019 Male Lockup Received in Lockup: 24 May 2013 22:33 Prints Taken: 24 May 2013 22:32 Palmprints Taken: Yes Photograph Taken: 24 May 2013 22:48		Time Last Fed: Time Called: Phone#: Cell #: 3-4 Transport Details: 2PO 1471 24-MAY-2013	19:10
S	VISUAL CHECK OF ARRESTEE	6.00	ARRESTEE QUESTIONNARIE	
LOCKUP KEEPER PROCESSING	Is there obvious pain or injury? Is there obvious signs of infection? Under the influence of alcohol/drugs? Signs of alcohol/drug withdrawal? Appears to be despondent? Appears to be irrational? Carrying medication?	No No No No No No	Presently taking medication? (if female)are you pregnant? First time ever been arrested? Attempted suicide/serious harm? Serious medical or mental problems? Are you receiving treatment? Transgender/intersex/gender non-conforming?	No No No No No No
X				
夏	RETURN TO HOLDING FACILITY COMMENTS:	ile La Santa		
00	QUESTIONNAIRE REMARKS:			
	LOCKUP KEEPER COMMENTS:	<u> </u>		
	EMERGENCY CONTACT	100,120,010		
	Name : REFUSED		(1)	
	Res:	Beat:		
TERVIEW LOG	NO INTERVIEWS LOGGED			

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NO VISITORS LOGGED

VISITOR LOG



26 AUG 2014 08:58

Page 5 of 5 powered by: CLSAR Technology



CHICAGO POLICE DEPARTMENT ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police Department Personnel Only) CPD-11.388(6/03)-C



		r Offense - Animal Abuse/Neglect		
	urrence		Beat: 1424	Unit Assigned: 1423
LOC	ation:	· Residential Yard (Front/Back)		RO Arrival Date: 07 May 2013 17:12
Occi	urrence Date:	07 May 2013 17:06		# Offenders: 1

CPD Officer: **COMPLAINANT - Individual** Beat: 1424 **VICTIM - Other** Name: **ANIMAL CARE AND** CONTROL 2741 S Western Ave Beat: 1034 Chicago, Illinois CPD Officer: No **Other Communications and Availability** Residence Phone: WITNESS - Individual NON-OFFENDER(S) Demographics DLN: Beat: 1434 CPD Officer: No WITNESS - Individual Demographics Male DLN: Beat: 1434 White CPD Officer: No **PERSON REPORTING OFFENSE - Individual Demographics** Female Beat: 3100 White

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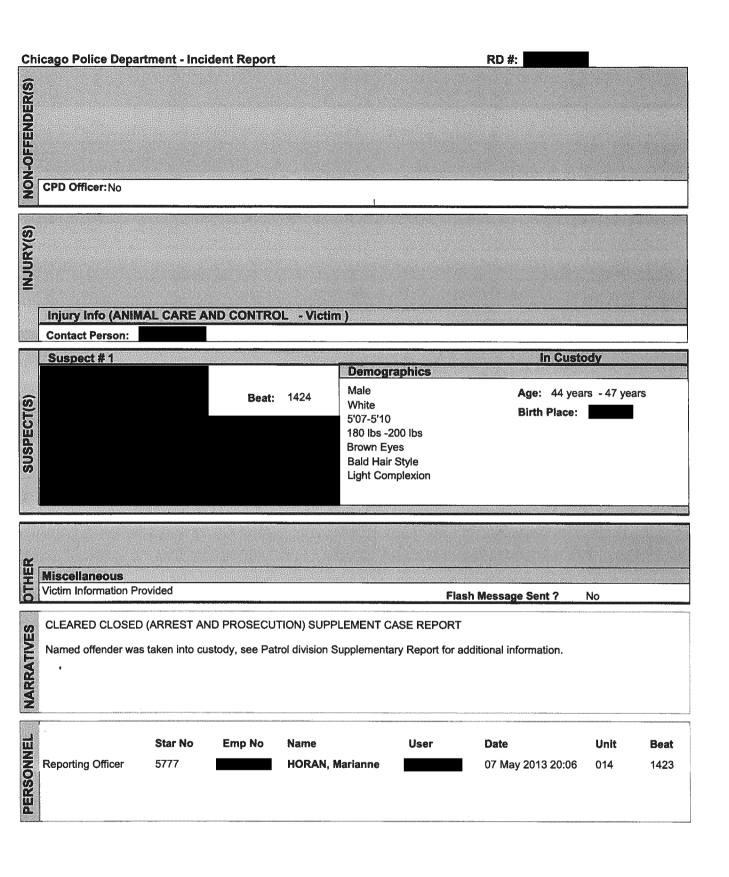
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Page 1

- WICLEAR TECHNOLOGY

26-AUG-2014 09:01

LOG# 1071219 Attachment _____



Print Generated By: CHRIS, System (CHRIS) Page 2 of 3

26-AUG-2014 09:01

icago Police Departin	ent - incia	ent Report	KU#:	
Victim	IUCR	Crime	Offender	
ANIMAL CARE AND	501A	Other Offense - Animal Abuse/Neglect		
CONTROL				<u> </u>

Print Generated By: CHRIS, System (CHRIS) Page 3 of 3

26-AUG-2014 09:01

CHICAGO POLICE DEPARTMENT CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Printed On: 26-AUG-2014 09:02

Last Offense Classification/Re-Classification	IUCR Code	Original Offense Cla	Original Offense Classification		IUCR Code	
OTHER OFFENSE / Animal Abuse/Neglect	501A	OTHER OFFE	NSE / A	Animal Abuse	/Neglect	501A
Address of Occurrence	Beat of Occur	No of Victims	No o	f Offenders	No of Arrested	SCR No
	1424	1	0 0 0 0	1	1	0 5 6 0 0
Location Type	Location Code	Secondary Location	************	******************************	**************************************	Hate Crime
Residential Yard (Front/Back)	291					NO
Date of Occurrence	Unit Assigned	Date RO Arrived	************	Fire Related?	Gang Related?	Domestic Related
07-MAY-2013 17:06	1423	*****	****	NO	NO	NO

			20,000		
Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
KERNAN, William	20578	KERNAN, William	20578		
Date Submitted		Date Approved		Assignment Type	
06-JUN-2013 10:55		06-JUN-2013 10:55	•••••	ADMIN	***************************************

THIS IS A ADMIN INVESTIGATION CLEARED CLOSED (ARREST AND PROSECUTION) REPORT

COMPLAINANT(S):	TYPE: Individual
VICTIM(S):	ANIMAL CARE AND CONTROL CONTACT PERSON: BUS: 2741 S Western Ave Chicago IL
	OTHER COMMUNICATIONS: Residenc e Phone:
OFFENDER(S):	In Custody -
	BIRTH PL: Poland
	DESCRIPTION: 5'07-5'10, 180-200, Bald Hair Style, Brown Eyes, Light Complexion
	LOG# 1071219
	Attachment 7

1 of 3

Printed By: CHRIS, System (CHRIS)

LOCATION OF INCIDENT:

291 - Residential Yard (Front/Back)

DATE & TIME OF INCIDENT:

07-MAY-2013 17:06

METHOD CODE(S):

DNA

CAU CODE(S):

DNA

PERSONNEL ASSIGNED:

Reporting Officer

HORAN, Marianne

5777

BEAT: 1423

WITNESS(ES):



(Person Reporting Offense)

OTHER INDIVIDUALS INVOLVED:

CRIME CODE SUMMARY:

501A - Other Offense - Animal Abuse/Neglect

IUCR ASSOCIATIONS: 501a - Other Offense - Animal Abuse/Neglect



(Person Reporting Offense) (Offender) (Complainant)

(Complainant)
(Offender)
(Victim)
(Offender)
(Offender)

(Witness) (Offender) (Witness)

ASSOCIATED ARRESTS:

Printed On: 26-AUG-2014 09:02

2 of 3

Printed By: CHRIS, System (CHRIS)

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

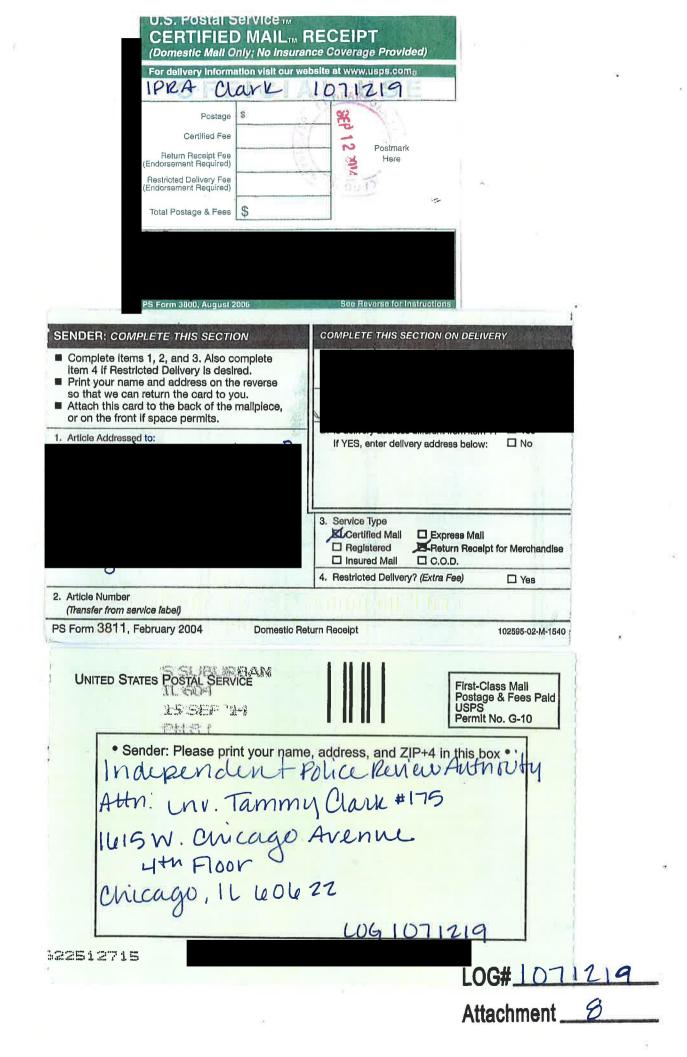
CLEARED CLOSED (ARREST AND PROSECUTION) SUPPLEMENT CASE REPORT

Named offender was taken into custody, see Patrol division Supplementary Report for additional information.

Printed On: 26-AUG-2014 09:02

3 of 3

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